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April 6, 2006

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\*ADMITTED TO D.C. BAR  
D.C. PRACTICE OF ALL OTHERS  
LIMITED TO FEDERAL COURTS  
AND AGENCIES

Commissioner of Patents  
U.S. Patent and Trademark Office  
Customer Service Window, MS Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Re: Response to Restriction Requirement  
Appl. No.: 10/812,315  
Filed: March-30, 2004  
Title: **Process for the Production of  
L-Amino Acids Using Strains of the  
Enterobacteriaceae Family**  
Inventor(s): Rieping, Mechthild  
Atty. Dkt.: 7909/81000

Dear Sir:

The following documents are being submitted for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Restriction Requirement; and
2. Return postcard.

Commissioner for Patents

April 6, 2006

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**Applicant does not believe that any fees are due for the filing of these documents. However, the Director is hereby authorized to charge any fee deficiency with respect to this filing and any other fee required in connection with the present case, or credit any overpayment to our Deposit Account No. 06-1135 under Order No. 7909/81000.**

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive, flowing style.

Michael A. Sanzo

Reg. No. 36,912

Attorney for Applicant

MAS:ct

Enclosures



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Rieping, Mechthild

Appl. No.: 10/812,315

Filed: March 30, 2004

For: **Process for the Production of  
L-Amino Acids Using Strains of the  
Enterobacteriaceae Family**

Art Unit: 1656

Examiner: K. Alexander

Atty. Dkt.: 7909/81000

**Response to Restriction Requirement**

Commissioner of Patents  
U.S. Patent and Trademark Office  
Customer Service Window, **MS Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Office Action dated March 22, 2006, in which the Examiner imposed a restriction requirement on the claims in the above-captioned application, Applicant hereby elects the claims of restriction Group I. This includes claims 1-9, directed to a process for the production of an L-amino acid product. As a species, Applicant elects microorganisms in which the thrABC operon coding for aspartate kinase, homoserine dehydrogenase, homoserine kinase and threonine synthase are enhanced (see claim 8, paragraph a)). All of the claims elected, *i.e.*, 1-9, read on this species in that it is not excluded from any of these claims. It is expressly claimed in claim 8, paragraph a). Although claims 4 and 9 are directed to processes in which there is a microorganism in which a gene is attenuated, they do not exclude the possibility of there being both a gene that is attenuated and an enhanced thrABC operon. It is respectfully requested that the claims in the non-elected restriction group, *i.e.*, claims 10-12, be cancelled without prejudice.


This election is made without traverse.

Applicant does not believe that any fees, other than those already provided for herewith, are required for the filing of the present document. Nevertheless, any fees that may be needed may be charged to our Deposit Account No. 06-1135 under Order No. 7909/81000.

If, in the opinion of the Examiner, a phone call would help to expedite the prosecution of this application, the Examiner is invited to call Applicant's undersigned attorney at (202) 419-7013.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:   
Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicant

Date: April 6, 2006  
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